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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0568 MHP
)	
Plaintiff,)	
)	
v.)	PARTIES' JOINT REQUEST TO CONTINUE
)	STATUS HEARING DATE AND [PROPOSED]
)	ORDER
MARK JACOBSON,)	
)	
Defendant.)	

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that, subject to the Court's approval, the status hearing presently set for January 18, 2012, be continued and set for a status hearing on April 25, 2012, at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected

JOINT REQ. & [PROPOSED] ORDER
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computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the Probation Office for a presentence report. The plea agreement also includes standard terms of cooperation.

In light of continuing cooperation under the terms of the plea agreement, the parties jointly request that the status hearing on January 18, 2012, be continued for a status hearing on April 25, 2012, at 2:30 p.m. Additional time is needed for the defendant to complete his cooperation with the government, and, accordingly, this matter is not yet ready to proceed to sentencing. Specifically, charges have been filed against an alleged co-conspirator of the defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The United States has filed a notice of appeal in the Nosal case, and an en banc oral argument was held on December 15, 2011. The Nosal case will not proceed to trial until the appeal is resolved. The defendant Jacobson is expected to testify in that trial. Because Mr. Jacobson will be required to testify at trial, his cooperation with the government's investigation is not yet complete.

For all of these reasons, the parties jointly request that this Court vacate the status hearing presently set for January 18, 2012, and set a status hearing for April 25, 2012, at 2:30 p.m.

SO STIPULATED.

Dated: January 6, 2012

MELINDA HAAG
United States Attorney

/s/

KYLE F. WALDINGER
Assistant United States Attorney

Dated: January 6, 2012

/s/

THOMAS F. CARLUCCI
Attorney for defendant Mark Jacobson

[PROPOSED] ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the status hearing presently set for January 18, 2012, is vacated.

1 The parties are ordered to appear for a status hearing on April 25, 2012, at 2:30 p.m.

2
3 Dated this 12th day of January, 2012

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5
6 HONORABLE
UNITED STATES

